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## **TORT CLAIM NOTICE**

Dear Ms. Shankland:

Please accept this letter as Governor Dan Bridges' notice of tort claim against the Washington State Bar Association ("WSBA") for violation of the state whistleblower statute, RCW 42.40, et. seq., and other torts including defamation and false light. This notice solely pertains to claims against the WSBA and does not allege personal liability of the actors involved in their individual capacities. Claims against individuals are reserved. The following are the factual allegations providing the basis for the tort claim:

Mr. Bridges is a Governor on the Board of Governors and the WSBA treasurer. For two years he has identified conflicts of interest, self-dealing, and irregularities within WSBA. He asked elected leadership and executive staff to correct them. They have retaliated, marginalized, and harassed Governor Bridges for his whistleblowing activities.

As two examples, when Governor Bridges identified inaccurate information provided by staff to the Board's personnel committee to set the WSBA's Executive Director's raises, he was removed by the President from that committee. Only two weeks ago Governor Bridges demanded the current President stop threatening other Board members who have also brought forward what they believe to be issues of poor WSBA management. Two days later the President retaliated against Governor Bridges (now treasurer and an Officer), ordering him at a Board meeting to sit on the periphery, removing him from the Treasurer's position, where he would be leading the meeting with the other officers. Governor Bridges does not care where he sits but does care about being openly retaliated against for whistleblowing and coming to the defense of Governors being harassed.

It is not in dispute that the WSBA is a state actor. Whether consideration of GR 12.2 is made or the State Bar Act, the WSBA acts under the color of law either as a department of the Supreme Court or a quasi-state agency.

Both GR 12.2 and the State Bar Act are clear the WSBA Board of Governors is responsible for the oversight of all aspects of the WSBA subject to a few very limited and seldom used



exceptions not relevant here. Because the Board is made up of volunteer, practicing attorneys, it does not have time to supervise day-to-day operations. For that reason, the Bar Act and GR 12.2 authorize the Board to hire staff, including an Executive Director who serves at the pleasure of the Board, to run the daily business of the Bar and spend money collected through licensing fees. The Executive Director by both GR 12.2 and the Bar Act answers to the Board. Without the Board's supervision, there is no supervision of those activities or spending.

The irregularities identified by Governor Bridges occurred because over time the WSBA Executive Director and various Presidents have undermined the Board to the point it no longer has any authority or ability to exercise meaningful oversight. Being a Governor takes a lot of time if the job is actually done. While past Boards were technically responsible for oversight of the WSBA, past Governors had been willing to delegate their duties to staff because it made their roles easier. That dynamic effectively resulted in no Board oversight at all.

Thus, over time the power of the WSBA has been consolidated into the hands of only two positions: the Executive Director and President. Whenever Governors have attempted to shift oversight back to the Board as required by GR 12.2 and the Bar Act they have been met with hostility and obstruction. Rubber-stamp approval by the Board is expected, questions are viewed as hostile, and questions the answers to which reveal mismanagement are met with retaliation. Mr. Bridges being removed from the personnel committee for asking such questions is only one example.

Over time, newer Board members were elected to restore the Board's oversight of WSBA. In the Spring of 2018 Governor Bridges brought forward bylaw amendments that reaffirmed the Board's role and decentralize authority from the hands of only a few. Perhaps it should be no surprise that he and other like-minded Governors were met with resistance for trying to restore the Board's statutory and court-ordered fiduciary duty to provide oversight. What should be a surprise however is the degree of harassment and retaliation those in power have resorted to in order to block those efforts.

1. **WSBA Leadership, Officers and Executive Director Have Engaged in A Long Course Of Conduct To Centralize Power And Deprive The Board Of Its Supervisory Authority**

After Governor Bridges was elected, but before taking office, WSBA leadership proposed a sweeping bylaw amendment package. Its overall purpose was to centralize the power and authority of the WSBA in the Executive Director and President by disenfranchising the members through the creation of three new unelected Board positions. The new positions would be appointed, rather than elected as the Board is now constituted. In other words, WSBA leadership sought to water-down the proportion of Governors elected by the members by adding new



Governors chosen by the leadership, allowing them to nominate and appoint individuals friendly to their positions to make it harder for elected Governors to provide oversight.

Membership began to realize what was happening and protested. Leadership sought to rush the amendment package. While still a Governor-elect, Governor Bridges wrote a letter to the Board with two other Governors-elect asking leadership to slow down and not shortcut due process. Ex. #1.

WSBA leadership did not only disagree, it threatened Governor Bridges. Leadership accused Governor Bridges, simply for asking them to not short cut the process, of “circulating false material” (the letter was only sent to the Board) and said even making the suggestion was a “material breach of your fiduciary obligations to this organization.” Ex. #2. The letter closed with a veiled threat implying Governor Bridges and the others should not even be Governors and questioning if they were capable of taking the oath of office. All that for suggesting leadership might not want to rush a process that deprived the WSBA members of their representation.

The harassment intensified once Governor Bridges took his position. Leadership (Executive Director and President and Officers), repeatedly attempted to “train” the Board that its sole and only loyalty was to the WSBA, not the membership. By then, the WSBA was effectively controlled by the Executive Director and President. From one of the training handouts:

**Demonstrate undivided loyalty to the WSBA not to the constituency that elected or appointed you.**

Ex. #2.

Governor Bridges and others spoke out against that prioritization, citing the Bar Act and GR 12. Leadership derided them saying they could not express any disagreement with Leadership to the members or they would be breaching their fiduciary duty to WSBA, e.g., to them.

As a new Governor, Governor Bridges was appointed to the Board’s budget and audit committee. He identified what appeared to be extraordinarily large expenditures for two-day meetings in the WSBA’s own office, some in excess of \$50,000. He asked the treasurer for documentation showing how the money was spent, but, despite his role as a member of the budget and audit committee, he was repeatedly told he did not need to know. When Governor Bridges raised this at the following budget and audit meeting, he was told by the then-President, the treasurer, and the Executive Director, that Governors did not need to know the specifics of expenditures unless they were “material.” Conveniently, they defined materiality as being in excess of \$100,000. Governor Bridges rejected the idea that materiality can be quantified, but even if it did, the expenditures are recurring and therefore exceed \$100,000.



It was clear the Executive Director and leadership did not want Governor Bridges to investigate further. The Executive Director stated that the Board did not need to know about the expenditures because it increased the likelihood of members discovering those expenditures, which, in turn, would lead to members questioning how WSBA spends their money. She said the members will go so far as to scrutinize how much leadership spends on lunch. Governor Bridges did not ask to find out how much was being spent on lunch. However, the point was clear: the Executive Director would block any attempt at oversight. The information was never provided.

**2. Governor Bridges Was Retaliated Against for Identifying Irregularities In The Process To Determine The Executive Director's Raises**

Governor Bridges was also appointed to the personnel committee. That committee is responsible for reviewing the Executive Director's performance, compensation, and making recommendations on those issues to the Board. Governor Bridges was removed from that committee in retaliation for discovering discrepancies involving a compensation package that now totals nearly \$300,000 for the Executive Director.

The first discrepancy was discovered in PowerPoint slides presented by staff and an outside consultant hired by staff to advise on raises for the Executive Director. The slide identified pay components (bonus, deferred compensation) the committee was told were "averages" of "comparable" bar associations. Staff and the consultant suggested the Executive Director be given a raise to keep pace with those "averages." Ex. #4.

Governor Bridges asked for the data (an ABA report) on which the slides were based; it was not produced for months, after the raises were approved by the committee. Once provided, it was obvious the numbers presented had been skewed. (The raw report is not attached because staff have protested it is private. That is disputed but it is not necessary to make the point. It can be provided on request).

The report shows one of the "averages" of "comparable bar associations" was an average of only *two* Bar Associations, *one of which was the WSBA*. The second "average" provided was revealed to be an average of three Bar Associations, again, one of which was WSBA. Staff presented each as broad-based averages, even though they were not. Governors openly discussed those "averages" as such throughout the year without staff disclosing the truth of the numbers. The committee relied on that information and recommended the Board approve a raise based on them. The Board gave the raise.

The Executive Director was already one of the highest-paid Executive Directors in the nation at the time her staff was skewing numbers to support another raise, and worse, staff was presenting "averages" to the committee that were not averages at all. They were bootstrapping WSBA's already high compensation levels into those "averages" without telling the committee

the WSBA was a part of that survey and its own already high numbers were the primary reason those “averages” were as high as they were.

All of that was known by staff when they presented the numbers. Once Governor Bridges obtained the report it only took minutes to understand what the numbers were. But in caution, he asked the staff member responsible for the power point slide to confirm his reading of it. It was immediately confirmed. That email is an exhibit hereto. Ex. #3

Governor Bridges reported on the newly-discovered data in executive session to the Board with supporting documents. Even if considered in its best light, the information was materially skewed upward. Governor Bridges’ primary concern was simply to identify the issue, not to take away the Executive Director’s raise, and use it as a “teaching moment” to prevent similar occurrences. In overseeing the WSBA, the Board relies exclusively on information staff provides. The Board has no direct access to any WSBA information itself.

In response, the WSBA President and Executive Director refused to consider the issue. Even assuming it was an honest mistake, there was a clear need to determine how the representative samples of data became so selective and narrow and the data became so skewed. Instead of addressing those merits, the Executive Director violated executive session privilege by openly reporting the contents of executive-session discussions to staff not privy under the executive session privilege. She criticized the discussions had during that meeting and told staff that Mr. Bridges was trying to “criticize [her] staff.” After much persistence, Governor Bridges persuaded the President to simply sit down with the staff person responsible for the PowerPoint to determine what happened. The staff person refused. The Executive Director also refused. In other words, the Executive Director refused oversight by the Board.

Governor Bridges urged the President (then Brad Furlong) that he had a duty to to direct the Executive Director to produce the staff person so he (the President) could ask why the numbers were presented as they are and the Board could discharge its duty of oversight. The President refused.

What was originally framed as an honest mistake was beginning to look like a cover-up. Governor Bridges continued to press in an attempt to vindicate the Board’s duty of oversight and ensure information was presented in a better fashion going forward.

Not only did the President refuse to take action, he retaliated against Governor Bridges by removing him from the personnel committee. Governor Bridges was the only person removed from the committee he or she had served upon the previous year. Every other Governor continued on the same committees from the previous year. The President singled out Governor Bridges, removing him because of his whistleblowing investigation of misleading data presented to the Board. When approached with the proposition he was retaliating against Governor Bridges,



President Furlong denied doing so and asserted alternatively no person should be on the committee who had a negative opinion of the Executive Director, which is nonsensical criterion considering the Board's role to oversee the Executive Director. Further, Governor Bridges did not have a negative opinion of the Executive Director as such. He had material questions and a duty to find answers. In all practical senses, President Furlong was trying to stack the committees with Governors who would not investigate the Executive Director or her staff, despite the Governors' obligations to provide oversight. In other words, the Executive Director had no supervision.

After being removed, Governor Bridges continued to ask for closure. Later he was joined by Governors newly elected also asking the issue be resolved as well as for the President to justify his retaliation. He did not. The President and Executive Director continued to ignore the issue for months. Finally, President Furlong devised a rather novel solution.

President Furlong directed staff to select and hire its own investigator to conduct an investigation the scope of which staff determined, and to have the investigator report back to staff with the findings. Not surprisingly, the staff's investigation cleared the staff, *without addressing numerous complaints against the staff*. It contained none of the information sought by the Board members: 1) no response was provided as to the Executive Director's breach of the executive session privilege, 2) the refusal of staff and the Executive Director to respond to the Board's oversight by refusing to meet with a representative of the Board, 3) nor was there an explanation to the ultimate question of how staff could have presented the information as they did.

When those "findings" were finally presented, WSBA had a new President, Bill Pickett, who unilaterally announced the staff's investigation cleared the staff, the issue was closed, and he would not allow any further discussion. Governor Bridges indicated he did not believe the issue had been properly addressed and that the report did not address the actual issue. He also indicated he anticipated information would be provided in a more accurate manner.

The second discrepancy regarding the Executive Director's pay identified by Governor Bridges occurred after he was removed for the personnel committee but continued to attend as a Governor. The same consultant identified above regarding the PowerPoint slides told the committee a survey she created several years earlier to evaluate the Executive Director's performance for the bonus structure (the consultant had been charging the WSBA for years to administer the survey) was no longer "a valid way to evaluate the ED" because it was now returning negative results. The consultant had stopped being an independent consultant and had become an advocate for the Executive Director. Yet again, this was a consultant hired by the Executive Director's employees and reported directly to staff, not the Board. This is another irregularity of WSBA management. By any basic concept of governance, that type of consultant should be reporting to the Board, not the staff who answer directly to the very person (here the Executive Director) the consultant is supposed to be reporting on.





During that meeting which occurred in 2017, Governor Bridges asked the consultant whether their opinion on the survey would be different if it continued to return positive results. The consultant could provide no answer. She sat for an extended period of time saying nothing. The “answer” was obvious: if a survey is valid, it cannot be considered “invalid” because a person does not like the result. Here, the consultant told WSBA for years this was a valid methodology and charged a large amount of money to do so. Now that the results disfavored certain WSBA employees, that methodology was claimed to be problematic. The committee moved to the next topic having already determined to move in a different direction, not bring the consultant back, and had already told the consultant as much.

Later the consultant claimed she did not want to return. She asserted Governor Bridges bullied her by asking questions during the meeting. That is not unlike a person already fired, yelling on their way out of the door that they quit. The only contact Governor Bridges ever had with the consultant was in the personnel meeting. Asking her that question was not bullying her. No person present thought the question was inappropriate.

Despite that, after Governor Bridges proposed bylaw amendments to restore balance to the Board, Governor Athan Papailiou has repeatedly claimed Governor Bridges “bullied” the consultant, inserting that claim into all manner of unrelated discussions. Governor Papailiou was at the meeting when Governor Bridges asked his question and expressed no concern at the time.

Governor Papailiou is a proponent of the Executive Director, has aggressively spoken out against Governor Bridges’ bylaw amendments calling them a “waste of time,” and has engaged in all manner of personal attacks against Governor Bridges whenever he sees an opportunity.

### **3. Governor Bridges’ Identification of Conflicts of Interest and Self-Dealing**

In 2017 the General Counsel position for WSBA came open. It is one of the highest paid positions after the Executive Director and one of the pinnacle jobs with the Bar. A sitting Governor applied for the position. That presents a conflict of interest on a variety of levels. The Executive Director makes the hiring decision, but the Executive Director is supposed to answer to the Governors. For the Executive Director to even consider a sitting Governor for that job creates a Hobbesian choice. If he or she does not hire the Governor, the Governor remains in a supervisory role over the Executive Director. Therefore, the Executive Director is influenced lest the un-hired Governor take out their displeasure over not being hired. The sitting Governor creates a conflict for themselves because if not hired, they are compromised: they must either temper their independent oversight of the Executive Director lest they appear to be retaliating, or they may actually retaliate for not being hired. Finally, no Board member may profit from their position. There may be some precedent to that type of transition in for-profit companies. However, given the unique role of the WSBA and its duty to the Court and the public, to seek employment at that level while an active Governor has a very bad appearance indeed.



Mr. Bridges identified those conflicts and said it was not appropriate to consider a sitting Governor for that position. He was told by the Executive Director, President, and Officers that he was wrong because the Governor being considered was a good person and would not do anything wrong. Governor Bridges replied that conflicts are not evaluated by whether the person is likable.<sup>1</sup> Conflicts must be evaluated objectively. Governor Bridges used the oft-repeated example of the soccer mom who makes off with the league's money; no person would have suspected the conduct.

The Executive Director hired the still-sitting Governor. That is notable not only for the conflict but the decision itself. That Governor, while an able lawyer, was only an eight-year lawyer with no particular job experience for the role. However, he had been a long-time ally of the Executive Director's and one of the chorus telling new Governors to "defer" to staff. It is not credible that out of the entire state and adjoining states, that an 8-year lawyer with no relevant experience was the only, the one, the best qualified person for the job. A key responsibility of general counsel is to advise the Board including advice that the Executive Director may be taking action contrary to the Bylaws or Court Rules. The Executive Director was seeking to insulate herself from oversight by hiring a close ally with no appreciable experience for the job.

There are too many instances of conflicts and self-dealing to identify. As another example, the Executive Director is in a personal relationship with the chairperson of the Limited License Legal Technician Board (a WSBA committee). In 2018 the Executive Director approved a summer, overnight retreat in Wenatchee for the LLLT Board. That Board already meets once a month in Seattle, since most members reside in the Puget Sound area. However, the chairperson of the LLLT Board's office is in Cashmere, Washington - a few miles from Wenatchee. That one-night retreat, with plus-ones (the Executive Director attended as well), cost WSBA over \$10,000 in hotel rooms, food, including mileage reimbursements for Seattle-based members to drive to Wenatchee. Governor Bridges has been actively investigating this self-dealing use of WSBA funds albeit he must go through staff for the information- staff who answer to the Executive Director.

Several years ago, the same person (current head of the LLLT Board), while in a relationship with the Executive Director, chaired a committee to suggest bylaw changes. Those are the bylaws identified above that centralized power in the Executive Director and President. One of the proposals was to change the Executive Director's position from an at-will employee, serving at the pleasure of the Board, necessary for the Board's independent oversight, to effectively a for-cause discharge requirement insulating the Executive Director from Board oversight. In other words, he sought the change the bylaws of the entire Washington State Bar Association in ways that favored an employee with whom he has a personal relationship.

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<sup>1</sup> Mr. Bridges' emphasizes that Governor was likeable and seemingly a person of high character. However, that is not the point.





As a final example of material irregularity, without Board authorization, the Executive Director testified in front of the State Legislature on behalf of WSBA *against* a measure being advanced by WSBA members, in violation of WSBA rules. WSBA has bylaws and procedures strictly restricting presentations to Legislature because the Supreme Court by GR 12 forbids such comments subject to a few limited exceptions. Thus, to protect against inappropriate lobbying, the WSBA has an entire committee whose only purpose is to evaluate WSBA statements to the legislature, which then must be approved by the entire Board before they may be made. Instead, the Executive Director and leadership testified to the legislature against the WSBA members' proposal without submitting their testimony to the committee or getting approval from the Board. They claim to have testified in their personal capacities, but introduced themselves to the legislature by their WSBA titles. Worse, they did not even advise the Board about it. The Board only learned after the fact because *members* alerted some Governors. Governor Bridges has spoken out against this type of ongoing disregard of WSBA bylaws and Court Rules. Similarly, only a few months ago the Executive Director again actively lobbied in Olympia, with the same LLLT Board chairperson identified above, to expand the LLLT program. Not only was that a violation of WSBA bylaws and Court Rules, it openly flaunted the authority of the Supreme Court because the Court has authority and jurisdiction over that program, not the Legislature. The Executive Director and the LLLT chairperson were lobbying in the event they could not get what they wanted for the LLLT program from the Supreme Court.<sup>2</sup>

#### 4. Governor Bridges as Whistleblower

The issues identified above are only examples. There are others.

Those who believe they are losing power and authority because of Governor Bridges' whistleblowing have undertaken a course of conduct to retaliate against him.

The current WSBA President stated he was hostile to the bylaws proposed by Governor Bridges to decentralize power before they were passed, and has repeatedly stated after passage that he views them as a reduction of his power. They do not take away the President's power but even if they did, he should not have had such power in the first place. The President also has opposed Governor Bridges' bylaw amendment to align voting rights in Board committees with those who can vote on the Board: Governors. That was necessary because, for years, important policy and oversight of WSBA was being decided not by the Board, but by staff and non-voting officers in committees, that then passed recommendations to the Board, that in turn rubber stamped those recommendations. That problem was exacerbated by the fact that for years WSBA disregarded its

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<sup>2</sup> The head of the LLLT Board has openly stated at LLLT meetings that if the Supreme Court does not approve expansions as he has asked, he will lobby in Olympia including the Governor to get what he wants. This team of the Executive Director and her friend have long leveraged the Executive Director's position to advance his agenda without any oversight and are undeterred by Court Rules or the bylaws.

quorum requirements, conducting meetings without a quorum of Governors present.<sup>3</sup> Another one of Governor Bridges' bylaw amendments made it clear WSBA business may not be transacted without a quorum. Governor Papailiou has repeatedly opposed the amendment and criticized Governor Bridges' efforts to adhere to quorum requirements – a requirement that specifically affects Governor Papailiou, who is frequently missing from committee meetings. At a committee meeting after that bylaw passed, Governor Papailiou again openly criticized the amendment and, when less-than a quorum showed up, asserted it was Governor Bridges' fault they could not hold the meeting.

Once the amendments were proposed, leadership and staff openly abused their power to block them.

Governor Bridges brought his proposed amendments to the Board's executive committee because it sets the Board's meeting agenda. The then-President (Furlong) refused to put them on the agenda, claiming there was not enough time in the meeting, which was untrue. Instead, the President and Executive Director filled the time by having an outside lawyer give a presentation on why the Board should not be too involved in oversight. President Furlong ignored the proposals for so long that Governor Bridges and several others had to call a special meeting to address them.

Under WSBA bylaws, five governors may call a special meeting, but that is not effective unless posted two days in advance on the WSBA web site. Once notice is given, there is no discretion on the part of the Executive Director to post the notice – the Executive Director must do so. The Executive Director refused to do so in violation of the rules. Thereby, the Executive Director blocked the special meeting from taking place – a special meeting that proposed amendments to restore the Board's oversight of the Executive Director. Yet again, the Executive Director was directly blocking Board oversight.

After months of delay, the bylaws were finally placed on an agenda for a vote. Governor Bridges moved for a vote and was seconded. The WSBA President was Bill Pickett. The new President refused to allow a vote. Governor Bridges moved again, was seconded again, and still President Pickett refused. Governors objected and another moved, was again seconded, and the President again refused. He offered no excuse other than he was President and that was how it was going to be. While the fault for that lays with the President, it is notable that neither the Executive Director or her newly hired General Counsel did or said anything to the President to "suggest" his approach was inappropriate, presumably because he was defending their agenda. And saying nothing that particularly highlights why the Executive Director hired that particular person as General Counsel. That person's duty was to the entity, and by extension the Board. That

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<sup>3</sup> Recently Governor Bridges spot checked minutes of both the Board and committees and found them wildly inaccurate. Staff are noting governors as present who are not, or as being present for Board meetings that are two days when they were only present one day. The Board typically rubberstamps the minutes amongst over 500 pages of new material for every meeting.



duty required giving advice that blocking the vote was wrong. Nothing was said. This is yet another example of how leadership has abused power to block reforms.

Governor Bridges had to call another special meeting. The bylaws were passed by the Board at that meeting without the President because the current Board, fortunately, is governed by a majority who want to discharge its duty to provide oversight of the WSBA.

After the passage of those bylaws President Pickett has been, according to multiple accounts, creating a dysfunctional environment in meetings by exploding with anger, openly calling Board members liars, and demanding those same Board members be impeached because of the content of their speech, which, given the nature of the WSBA constitutes political speech. According to multiple accounts, two weeks ago at a personnel committee meeting he resorted to yelling, again demanded that the Board remove two Governors because he disagreed with the content of some of their emails to their WSBA-member constituents.

That same day, Governor Bridges took President aside and gave him notice why the attacks on Governors must stop. Governor Bridges explained not only was the conduct not becoming the President of the Bar, it was inappropriate for him to not appreciate he was demanding nothing less than censorship over the content of speech, and worse, political speech. Governor Bridges said if anyone should be aware of the impropriety of that it is the President of the State Bar. Governor Bridges reminded the President the governors he was attacking also supported Governor Bridges' bylaw amendments and have identified issues of irregularities by leadership, and that this was the same pattern of retaliation against whistleblowers that had been going on for years against Governors who ask questions including himself. Despite receiving that notice, the President would not be deterred. He said if the Board did not stop those two Governors, he would. How he was going to stop them was left unsaid.

Governor Bridges interceding with the President on that issue is no less whistleblowing than the actions identified above. The President threatening Governors with impeachment because of their criticism of the WSBA is retaliation not only against those two Governors but the entire Board. It is nothing less than a statement that if a Governor speaks out, the President will retaliate by any means whether or not within his authority.

## **5. President Pickett Has Engaged In Public Retaliation Against Governor Bridges**

The Board's November 2018 meeting was the first where Governor Bridges assumed his duties as treasurer and an officer. For years, Board officers have been seated at the front to lead the meeting. Governor (now treasurer) Bridges found a first-year Governor in his seat. He asked him why and was told the President told him to sit there. The President was walking by, simply smiled and said, "because I decided that is the way it is going to be for now on." Not wanting to



cause a scene, Governor Bridges sat on the periphery, where the President ordered his name placard be placed.

Removing Governor Bridges from the Officer's podium and ordering him to sit on the periphery was retaliation. It was a public humiliation of now-Treasurer Bridges in front of the staff and the Board and a clear message that if Governor Bridges, or any Governor, challenged the President or continued to identify issues, they also would be retaliated against, their positions minimized, and publicly humiliated. To engage in such an act, in such a public manner, was intended to send a message.

After taking his new seat, it took Governor Bridges a few minutes for the shock of what happened to wear off and understand the act of retaliation for what it was. He located the President and asked that they step into a conference room.

Again, Governor Bridges gave notice to President Pickett that his conduct was retaliation. He identified the issues outlined above with emphasis on the President's ongoing mistreatment of Governor Bridges over proposing bylaw amendments to restore the oversight of the Board and his defense of Governors over whom the President had been demanding the removal. Other issues were identified. Governor Bridges laid out his whistleblowing activities, told the President he was retaliating against him as a whistleblower, and demanded that he stop, starting with not demeaning him by removing him from the officer's podium.

Upon receiving notice, the President refused to change his mind, offered a variety of pretexts that were patently untrue, and said "I am President, I can do what I want, and that is the way it is going to be."

The conversation was going nowhere. Governor Bridges said they should return to the Boardroom.

The Board was engaged in approximately one hour of training and resumed business. The meeting went for about 30 minutes with Governor Bridges consigned to the periphery seat where President Pickett put him. One Governor spoke up and demanded to know why the President "retaliated against Dan by removing him from the officer's table." That Governor was Paul Swegle, he is one of the Governors President Pickett had been demanding the Board impeach. President Pickett denied he was retaliating and offered the same pretexts he told Governor Bridges earlier.

After discussion, Governor Swegle moved that "President Pickett be instructed to stop retaliating against Governor Bridges and move him back to the Officer's table." Governors immediately seconded the motion. President Pickett would not acknowledge the motion. Governor Swegle asked if he was going to call a vote. President Pickett asked Governor Swegle



if he “wanted to run the meeting.” He replied, “sure.” He called for a vote and it passed unanimously except for the abstention of Governor Papailiou.

6. **Executive Staff and President Picket Have Leveraged A Personnel Issue to Further Retaliate Against Governor Bridges**

Shortly after Governor Bridges announced his bylaw amendments, a lower-level staff member asserted Governor Bridges hit on her two and half years earlier at a Board retreat in Walla Walla when he was not yet even a Governor. He was invited to attend as a guest to meet the Board team. The staff member did not make a complaint. Instead, Governor Papailiou while at a bar with the staffer asked what she thought of Governor Bridges and she related Governor Bridges asked her to his room or asked to go to hers. She indicated she was not overly bothered by it and that is why she did not complain.

Governor Bridges adamantly denies the allegation. He has taken and passed a polygraph administered by a Washington Department of Corrections-certified technician, affirming his truthfulness that the alleged overture did not occur. Importantly: an independent investigation determined what was alleged was not harassment, that no person (female staff or Governor) ever witnessed Governor Bridges engage in a single inappropriate act his entire time with the Board, and concluded that no action should or need be taken. The issue of this “complaint” was not raised until after Governor Bridges offered his proposed bylaw amendments that not only the Executive Director but others on staff saw as undermining the authority the Executive Director had accumulated for staff over the years. Regardless, Governor Papailiou took this information to President Pickett. The two of them brought this information to the Executive Director.

It is not Governor Bridges’ position the WSBA should have ignored the information. However, instead speaking to the staff member and Governor Bridges as would be the reasonable response of any reasonable employer given the nature of the claim, the President and Executive Director retained an investigator and over the course of months dragged Governor Bridges through an investigation wholly disproportionate to what the issue was even if admitted. President Pickett, Governor Papailiou, and executive staff have since exaggerated the claim beyond all bounds. The entire process became a subterfuge to make an ongoing attack on Governor Bridges.

Despite that, the investigator determined nothing inappropriate happened, even assuming the alleged conduct occurred. No WSBA rules were broken much less the law of discrimination. The investigation revealed no person (with an emphasis on women interviewees) among staff or the Board ever witnessed Governor Bridges engage in inappropriate behavior. Even the staff member who “complained” admitted that at all times Governor Bridges acted appropriately during the intervening 2.5 years. Not a single person could be found corroborating the claim. The staff member could not even identify a person she told this to in confidence at the time. She told no



person because it did not happen. This only “happened” after the bylaw proposals and Mr. Bridges’ ongoing whistleblowing against her coworkers.

Despite the report’s conclusion, and before the report was read by the full Board, Governor Papailiou began unsuccessfully demanding Governor Bridges be impeached. He phoned at least one Governor asking if he moved to impeach, would they second the motion. The Governor rejected the overture.

The following treads lightly because it occurred in Executive Session, but Executive Session cannot be used as a shield for illegal behavior:

Not content with the conclusion of the investigator, Governor Papailiou repeatedly demanded the Board take punitive action against Governor Bridges despite the report. He again made the false allegation Governor Bridges “bullied” the compensation consultant (discussed above) and made a variety of unsuccessful motions ranging from impeachment to demanding the Board censure Governor Bridges. President Pickett encouraged the motions. Nobody seconded them. Governor Papailious’s motions were in retaliation against Governor Bridges, consistent with Governor Papailiou’s ongoing attacks over Governor Bridges’ bylaw reforms.

Discontent with the foregoing failure to impeach Governor Bridges, Governor Papailiou recently, and in bad faith, made a complaint to the WSBA against Governor Bridges because, in his capacity as treasurer, Governor Bridges sent a memo to the entire Board asking that all Governors do a better job of personally attending committee meetings. The impetus of that memo was the fact that at a recent budget and audit meeting, Governor Bridges was the only Governor who attended (plus the then treasurer). The meeting had to be put off 45 minutes while phone calls were made to get Governors on the phone to attend by phone.

Months after the investigation was closed, the staff member who had spoken to Governor Papailiou filled a notice of tort claim against the WSBA. That claim is lacking in any substance. It is approximately two pages trying to leverage the me-too movement, it relates some of the content of the investigator’s report, while deftly omitting all the portions where the staff member admitted Governor Bridges’ good conduct and that the report found nothing actionable took place, followed by a demand for \$150,000.

The complaint is not even against Governor Bridges. It is against the Board, claiming that electing Governor Bridges to the position of treasurer was in retaliation against her making a complaint. That defies reason, considering the treasurer has no more contact with that employee than any member of the Board, and Board members have essentially no contact with her themselves. The Board did not elect Governor Bridges for any reason other than the fact the senior member of the budget and audit committee is always elected treasurer and he was that person.





We will not go into detail out of sensitivity to the employee's still pending demand for money. Suffice it to say the same people who retaliated against and blocked Governor Bridges' whistleblowing are steering the staffer's claim toward settlement, incorrectly suggesting it has merit, having agreed to an immediate mediation instead of defending the claim.<sup>4</sup> Any rational and reasonable decision maker would defend and move for CR 11 sanctions. Not only would the claim not survive summary judgment, any attorney filing it would subject themselves to sanctions due to its frivolity.

## **7. Conclusion and Demand**

This retaliation must stop immediately. The WSBA Leadership's retaliation and undermining of Governor Bridges within the WSBA will have the same effect of undermining him as an attorney. Governor Bridges has been practicing law for approximately 25 years. He litigates high-stakes cases against large entities attempting to vindicate the rights of injured persons. His reputation and his word, to both his clients and the Court, is the only thing he has. The conduct of the WSBA through the actions identified above are nothing less than an intentional character assassination of Governor Bridges. Worse, the actors identified above are taking the very same protected, whistleblowing acts of Governor Bridges and twisting them into asserting they are misconduct by him. Those involved are so entrenched in their own poor actions they defensively see Governor Bridges' even asking questions about their actions as misconduct by him for even raising the issue.

Beyond the economic impact and damage, the personal distress caused is immeasurable. Although a litigator accustomed to fighting other people's battles, these personal attacks have taken a heavy toll that need not be detailed here. They are material.

Perhaps most importantly not only for himself but the Board, although he is functioning as treasurer as well as any past as to the fundamental duties, his drive to take the extra steps of research and investigation of irregularities much less bring them forward and face further retaliation is curbed. These acts of retaliation have had exactly their desired effect.

Governor Bridges' motivation in making this claim notice is to make the retaliation against him stop. However, the notice of tort claim statute requires a specific demand be made. Thus, while distasteful but to comply with the statute and give notice of the gravity of the misconduct and the damage caused, Governor Bridges' damages are an amount not less than one million dollars. The actions identified above are nothing less than a professional character assassination of Governor Bridges to destroy a career he has spent 25 years making, and worse, it is being done to cover up and perpetuate their own mismanagement.

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<sup>4</sup> More could be said but will not so as to not disclose privileged information. The staffer knows WSBA agreed to an immediate mediation. Identifying that violates no privilege.



Governor Bridges has asked me to make clear these issues do not run throughout the entire WSBA. The Board is a very cohesive and cordial group notwithstanding the actors mentioned. WSBA does an excellent job at many things by amazing staff members. Many in the executive tier are enormously qualified, incredibly ethical, and only have the rule of law and what is right as their motivating goal.

Sincerely,

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